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STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 17th November, 2016

No. SEC/3ME/2016/3201.—

Subject :- Disqualification of Smt. Nirmal, contesting candidate from Ward No. 30 of Municipal Corporation, Gurgaon.

The General Election of Municipal Corporation Gurgaon was held on 15th May, 2011 and the result of the elected candidates was declared on 18th May, 2011.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2003/10307, dated 24th October, 2003 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Gurgaon and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. As reported by the Deputy Commissioner, Gurgaon, the above said candidate had contested the election from Ward No. 30 of Municipal Corporation Gurgaon but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She

neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 07th November, 2016 in the Court Room of Deputy Commissioner, Gurgaon. Sh. Gulshan Kumar, Accounts Officer, represented the Deputy Commissioner. The above said candidate appeared on her behalf and submitted the following :-

“She had contested the election from Ward No. 30 of Municipal Corporation, Gurgaon, in the year 2011. She had incurred sum of Rs. 25,500/- but could not submit her expenditure statement. On asking she told that office of the Deputy Commissioner had provided her the prescribed register for maintaining day to day election expenses.”

6. After personal hearing, the order was announced.

7. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for the failure to submit election expenditure account. Hence, she deserves to be disqualified. I, Dr. Dalip Singh, State Election Commissioner, Haryana, in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India and Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 and all other powers enabling it in this behalf hereby order that **Smt. Nirmal** be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Gurgaon immediately.

Panchkula:
The 7th November, 2016.

DR. DALIP SINGH,
State Election Commissioner, Haryana.